

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Claims 1-56 are pending. Claims 1-56 stand rejected.

Claim 1 has been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed. Applicants submit that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-56 stand rejected under 35 U.S.C. § 103 as being unpatentable over Expertcity.com's Internet service, as disclosed in "Expertcity.com Launches Premier Online Marketplace for Expert Services" and "Rent-An-Expert on the Web" in view of answers.com, as disclosed in "Applying Technology News."

Applicants respectfully submit, however, that amended claim 1 is not obvious under 35 U.S.C. § 103 in view of Expertcity.com's Internet service, as disclosed in "Expertcity.com Launches Premier Online Marketplace for Expert Services" (Expertcity), "Rent-An-Expert on the Web" (RAE), and "Applying Technology News – answers.com" (ATN). Amended claim 1 includes the limitations

A system for recording and delivering information, the system comprising:
a communications interface;
a controller computer being linked with the communications interface, the controller computer having:
a database to store the information recorded by an information provider;
a first logic unit linked with the database to establish via the communications interface a first communication connection with the information provider over which the information provider records the information; and
a second logic unit linked with the database to establish, in response to a user selecting to receive the information and via the communications interface, a second communications connection with the user and to deliver the information via the second communications connection to the user.

(Amended claim 1) (emphasis added).

Applicants respectfully submit that none of the cited references teach the limitation of the “user selecting to receive the information” and the information being delivered in response to such a selection, as claimed. What RAE discloses is a system whereby a user inputs a “problem”. The response to this input is one or more “bids” that advise i) if the expert can solve the problem, and ii) how much time it will take (or alternatively, an offer to research the problem). The customer then selects one of the bids. Note that the customer is not selecting to receive the information, but is first inputting a problem and then selecting an expert who “seems to offer the best prospects for providing the necessary assistance.”

Likewise, ATN does not disclose a system, as claimed. What ATN discloses is a system whereby a user inputs a “question” and receives an answer via e-mail. Note that the user has not selected to receive information, but has input a query.

In contrast, the present invention stores the information, which may be a description of other information, or information resources. The user then selects to receive the information and in response to this selection, the selected information is delivered.

For example, the user may select “sailing information” and in response, stored sailing information is delivered to the user. Note the user does not input a “problem” or a “question”, but simply selects to receive information. Moreover, the user does not receive or select from a number of bids.

For these reasons, applicants respectfully submit that claim 1 is not rendered obvious by the proffered references, alone or in combination. Given that claims 2 – 25 depend, directly or indirectly, from claim 1, applicants respectfully submit that claims 2 – 25 are, likewise, not rendered obvious. Further, given that claim 26 includes the limitation of “the user selecting to receive the information,” and that claim 41 includes the similar limitation of “the user selecting to receive the recorded information,” applicants respectfully submit that claims 26 and 41 are not rendered obvious by the proffered references, alone or in combination. Given that claims 27 – 40 depend, directly or indirectly, from claim 26, and given that claims 42 – 56 depend, directly

or indirectly, from claim 41, applicants respectfully submit that claims 27 – 40 and claims 42 – 56 are, likewise, not rendered obvious.

It is also respectfully submitted that Expertcity does not teach or suggest a combination with RAE or ATN, and that RAE and ATN do not teach or suggest a combination with Expertcity. Expertcity and RAE specifically tout the ability of the user to obtain advice through “person-to-person” interaction and not through machines. Expertcity discloses

“We are enabling consumers to be served immediately and intelligently by experts rather than machines” (paragraph 2)

RAE discloses

“Over time, customers will rate the advisers on their helpfulness.” (paragrah 6)

“Help will come from advisers such as Melissa Stevenson ...” (paragraph 7)

Expertcity and RAE are actually teaching away from the system disclosed in ATN that uses publications, databases, and electronic data that is provided to the user via e-mail.

It would be impermissible hindsight based on applicants’ own disclosure to incorporate the system disclosed in Expertcity and RAE, in which a selected expert speaks directly to a user with the system disclosed in ATN, in which a user receives an e-mail based on published information, databases, and electronic data.

Double Patenting

Claims 1 – 56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 44 of U.S. Patent No. 6,223,165 in view of answers.com, as disclosed in “Applying Technology News”.

Claims 1 – 56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 47 of U.S. Patent No. 6,523,010 in view of answers.com, as disclosed in “Applying Technology News”.

Claims 1 – 56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 –37 of U.S. Patent No. 6,546,372 in view of answers.com, as disclosed in “Applying Technology News”.

Claims 1 – 56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 – 41 of U.S Patent No. 6,549,889 in view of answers.com, as disclosed in “Applying Technology News”.

Applicants respectfully submit (4) terminal disclaimers to overcome each double patenting rejection cited by the Examiner.


It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 1/20/04

By: _____


Tom Van Zandt
Reg. No. 43,219

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
(408) 720-8598